

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

DARREN A. BRITTO, *et al.*,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES.

Defendant.

No. 2:23-cv-19-Z

**DEFENDANT'S RESPONSE TO PLAINTIFFS'
SUPPLEMENTAL AUTHORITY**

Defendant hereby responds to Plaintiffs' Motion for Leave to File Supplemental Authority. ECF No. 52. As that motion informed the Court, a motions panel of the Fifth Circuit granted plaintiffs' motion for an injunction pending appeal in *Mock v. Garland*, No. 23-10319 (5th Cir. May 5, 2023). However, the Fifth Circuit's unpublished order includes no reasoning or explanation for its decision, making it "impossible for this court to discern" that court's rationale. *See Doe v. Trump*, 284 F. Supp. 3d 1182, 1185 (W.D. Wash. 2018). In addition, as Plaintiffs note, the order limits the scope of the injunction to only plaintiffs in that case. ECF No. 52-1 at 2. Accordingly, the Fifth Circuit's order is neither binding on this Court, nor provides the Court with any guidance in resolving Plaintiffs' pending motion for a preliminary injunction. *See Northshore Development v. Lee*, 835 F.2d 580, 583 (5th Cir. 1988) ("[A] motions panel decision is not binding precedent."). Furthermore, while a preliminary injunction is not warranted in this case, the Fifth Circuit's order underscores that any injunction should apply only to the parties before the Court.

Dated May 25, 2023

Respectfully submitted,

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/s/ Michael Drezner

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CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2023, I electronically filed the foregoing document with the Clerk of Court using this Court's CM/ECF system, which will notify all counsel of record of such filing.

/s/ Michael Drezner
MICHAEL DREZNER
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